

1897-021 Chancery Causes: Ezra Daniels vs. Adm. of W. P. Daniels & Lee Co.

Flanary

CA - Estate Dispute
T - Property

- Deed

1 Virginia:

2 In the Circuit Court of Lee County.
3 To the Honorable W. J. Miller, Judge of the Circuit
4 Court of said County and State:

5 Humbly Complaining, sheweth unto your Honor,
6 your oratrix Enra Daniels that her husband, N.
7 P. Daniels, purchased a tract of land lying and
8 being in Lee County, Va on the 15th day of March
9 1892; from L. J. Slump of said County and State,
10 for which he bound himself to pay the sum of
11 ninety dollars on or by the first day of January
12 1893, without interest till due, which note is
13 witnessed by John Riddle and is here filed
14 marked "A" at top of said note; and he also
15 executed one other note for said land on
16 the same day for the sum of One hundred
17 dollars due on the first day of January, 1894,
18 without interest, which note is here filed marked
19 marked "B" at the bottom, and is also witnessed
20 by John Riddle.

21 Your oratrix will now represent that
22 her husband, N. P. Daniels, died on the 4th
23 day of April 1892; that he never paid
24 any part of these notes in his lifetime,
25 and that no one, except your oratrix has
26 really paid any part of them since his
27 death.

28 Your Honor will see on the reverse
29 side of said notes written endorsements
30 and your oratrix here alleges that that
31 her mother Leticia Slump paid said
32 notes to L. J. Slump in order to keep

1 said land from being sold away from
2 your oratrix and her infant children,
3 namely, Hughey B. Daniels, now 4 years old,
4 and, James H. O. Daniels, now about 2 years
5 old; that your oratrix then promised her
6 mother that as soon as she could do
7 so that she would redeem or pay said
8 notes.

9 Your oratrix now alleges that she
10 has fully paid to her mother Lillia
11 Slump the full amount of said notes
12 which will in fact appear from said
13 endorsements on them, and which
14 will more fully appear from her
15 assignment her files marked "L"
16 and witnessed by Wm A. Ott.

17 Your oratrix has stated that she
18 has filed the deed of conveyance of
19 L. J. Slump, which shows that a vendor's
20 lien was retained for the purchase
21 money on said land, marked "L. J. S.";
22 that her said husband died, leaving no person-
23 al estate; that Charles E. Flannery, Sheriff
24 of Lee County, Va was appointed, Administrator
25 of her said husband's estate at the April
26 term of said Court, 1897, for the purpose
27 of this suit;

28 Your oratrix now alleges that she
29 is subrogated to the rights of L. J. Slump,
30 the vendor, and that she has a right to
31 call upon a Court of Equity to sell
32 said land in the same way and in

1 the same manner that the vendor might
2 do, or might have done.

3 Your oratrix now says that, her husband being
4 dead, that she is the only natural guardian of
5 said infants, and, in fact, the only guardian and
6 protection that they have and that she can not
7 well protect them further and hold said
8 land for them; that the money paid for these
9 notes did in no way come to her from
10 her husband; that the money she paid for the notes
11 is and was her own - either obtained by her
12 own management and work, or from the estate
13 of Hussey Shump, deceased, her father.

14 The prayer of your oratrix is, that L. E. Flan-
15 ny, Adm'r of the estate of H. P. Daniels, deceased, Hugh C.
16 Daniels and James H. P. Daniels be made parties to this
17 bill and that they be required to answer the same on
18 oath; that a guardian ad litem be appointed to
19 answer for Hugh C. Daniels and James H. P. Daniels
20 and that he be required to answer for them upon
21 oath; that upon a hearing, your honor decree said
22 land to be sold to pay the debts herein described and
23 filed and that the vendor's lien be enforced in
24 favor of your oratrix and that she be subro-
25 gated to the rights of L. J. Shump; that she be
26 granted general relief and as in duty
27 bound she will ever pray.

28 Wm A. Orr Atty
29 for plff.
30
31
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53.5 #80

Eura Daniels

vs Bill Chy.

32 31 30 29 28 27 26 25 24 23 22 21 20 19 18 17 16 15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

C \$4.80
atty 18.00
and AL 8.00
Estimated 8.00
\$29.80
32.80

L. C. Flanery, Admstr et al
Exhibits "A" "B" "C" & "L. J. S" filed.

1894 1st May Rules bill filed
Spa accepted ans of
Deft. Eura Daniels & ans
of L. A. L. filed & D. M.
as to Deft Flanery admn
" 2nd May Rules D. M. conf.
& Cause set for hearing

Wm A. Ott, Atty

30 acres

2 1/2 acres

\$44.77

1 To the Hon. W. T. Miller, Judge of the
2 circuit court of Lee County, Virginia:

3 The answer of Hughey C Daniels &
4 N. P. Daniels infants heirs at law of
5 N. P. Daniels deceased by D. C. Sewell their
6 Guardian ad Litem to a Bill filed
7 against them in this Honorable court
8 by Emie Daniels:

9 Respondents say that the complainant's
10 Bill against them is not sufficient
11 in law to call upon them to answer
12 in this Honorable court and they accord-
13 ingly demur thereto and pray judgement.

14 And not waiving said demur,
15 but relying & insisting thereon should other
16 & further answer be required, answering they
17 say, that they are infants of tender
18 years & unable to advise their guardian
19 ad Litem of what defense should be made
20 for them. Respondents will show your
21 honor that on the 15th day of March
22 1892 their father, N. P. Daniels in con-
23 sideration of \$300⁰⁰ purchased from L. J.
24 Slump his interest in the estate of
25 Hually Slump deceased & on that day
26 Slump conveyed the same to him, all
27 of which is more fully shown by the
28 of said L. J. Slump to the said N. P. Daniels
29 which is filed with the complainant's Bill
30 as an exhibit. From an inspection
31 of said deed it will be seen that
32 the purchase price of said land

1 was \$300⁰⁰ for which three notes
2 were executed; two of which Respondent
3 supposes to be the ones mentioned by
4 Compt in her Bill, the other note
5 for \$100⁰⁰ is left out & unaccounted
6 for. Respondent thinks it proper
7 & right that this note should be
8 provided for in any decree which
9 may be entered in this cause.

10 Respondent does not know how
11 this latter note was paid or dis-
12 pose of, neither does he know how
13 much, if any thing, the Compt
14 has paid, nor does he know
15 from what source, ^{the Compt} received the
16 money with which she made
17 such payments as have been
18 made by her on said mentioned
19 notes, but desires full & complete
20 proof on these matters.

21 Respondents are advised that they
22 being infants are the peculiar
23 wards of a court of Chancery, & therefore
24 by their guardian ad Litem, commands
25 themselves & their rights & interests to the
26 protection of the court, and prays that
27 no decree may be pronounced which
28 will tend to their prejudice, ~~and enter~~
29 such decrees & such decrees only as
30 will fully protect their interests.

31 And having fully answered, the said
32 respondent prays to be hence dismissed

1 with their reasonable costs in this
2 behalf expended & they will ever
3 pray &c

4 D.P. Sewell

5 Grand-auditor for
6 Hughey C & W.P. Daniels—

7
8 Sworn to by D.P. Sewell before me
9 this May 9th / 1894.

10 A.B. Munsey clk—
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Eura Daniels

~~Answer~~

873 G. A. L

C. E. Flanagan adm et al

Filed May 9th / 1944-

ATB Munsey CLK

Fee \$⁰⁰5

1 Virginia: In the circuit Court of Lee County.

2 At 12th May Rules for said Court, 1894.

3 The answer of L. E. Flannery, Administrator of the
4 Estate of N. P. Daniels, deceased, to a bill filed
5 in this Court by Ezra Daniels against this
6 respondent et al.

7 For Answer your respondent
8 says that he supposes that the administration
9 of this estate was committed to him for the
10 purpose of this suit only; that he has
11 no estate in his hands with which to pay
12 the claims of the Complainant, and that
13 he knows of no estate of a personal
14 character belonging to N. P. Daniels, deceased.
15 Having answered as fully as he deems
16 it advisable for him to answer he
17 prays to be hence dismissed with his
18 costs.

19 L. E. Flannery, admin
20 Virginia;

21 In the Clerk's Office of Lee County, May 7th 1894.
22 I, A. B. Munsey, Clerk of said Court do hereby certify
23 that L. E. Flannery, Admin^r, appeared before me in
24 my office and made oath that the foregoing
25 answer contains the truth to the best of
26 his knowledge, information and belief.
27 Given under my hand this the day and
28 date first above written.

29 A. B. Munsey Clerk
30
31
32

C. E. Hanery, Admstr & Co

ads } August.

Eura Daniels str ab

Filed May 7th 1894,

Tab May Rules.

Filed May the 7th 1894

ARB Munsey
Clerk

Eura L. Daniels, Plaintiff.

Against (In Chancery.

C. E. Flanary, Adm'r, etc., et als., Defendants.

This cause came on this day to be ~~xxxxxx~~ heard upon the papers formerly read in the cause, and the report of James W. Orr, Special Commissioner, and was argued by counsel; and it appearing to the Court that the said report was filed on the 12th day of February 1897, and is unaccepted to the same is hereby confirmed. It appearing from said report that the purchase money for the land sold in the cause by ~~a~~ said Commissioner has been fully paid and disbursed, and that T. H. Slomp was the real purchaser of said land, and that the same was only ~~h~~ bid off for him by S. S. Slomp, it ~~ex~~ is hereby ordered and decreed that James W. Orr, who is hereby appointed a special commissioner for the ~~xxxxxxx~~ purpose do convey to the said T. H. Slomp said land by deed with covenants of special warranty, and that he report the same to this court instanter. And it now appearing to the Court that said instanter report has been filed by the said special commissioner and the same being unaccepted to, the same is hereby confirmed, and the ~~xxx~~ said commissioner is hereby ordered to deliver to said T. H. Slomp said deed upon the payment of \$2.50, his fee for making and executing said deed. And upon default of the payment of the said \$2.50 said commissioner may have execution therefor against the said T. H. Slomp after ~~xxxxx~~ thirty days from the rising of this court. There being ~~ne~~ nothing else to be done the cause is stricken from the docket.

~~1897~~
E. L. Daniels

vs } Decree final

C. E. Flannery Administrator

Entered in Chancery
O.B. page 503-

Enter, Mich pt, 1897.
11, 7, 11

Ema L. Daniels

vs

J. Lee

L. E. Flawry, Admr et al

This cause came on this day to be further heard upon the papers formerly read, and the ~~papers formerly read~~, report of the sale made by the Commissioner, James L. Orr, pursuant to the decretal order of the 8th day of June, 1894, to which there is no exception, and was argued by Counsel. On consideration whereof, the Court approving and confirming the said report, doth order, order and decree, that upon the payment by S. S. Shemp, of his two bonds in the report mentioned, as executed by him, for the purchase of the land and premises directed to be sold by said decretal order, the said Commissioner doth convey to the said S. S. Shemp, with special warranty, the said lands; and it is further ordered that the said Commissioner report to the next term of this Court and the Cause is Continued.

Emma L. Daniels

vs } Issue No 2

L. C. Flanery, Admin et al

O.B.

Page 173

Enter

June 4 1895

M. L. 1001

Eura Daniels

vs

J Deere

C. E. Flanery, Adm'r et al

This cause came on this day to be heard upon the bill and exhibits filed therewith, the answer of C. E. Flanery, Adm'r of N. P. Daniels, and the answer of D. C. Swell, guardian ad litem for Hugh B. Daniels and James N. P. Daniels, the general replication thereto, and was argued by counsel. Upon consideration of which the Court decrees that Eura Daniels recover against C. E. Flanery, Adm'r of N. P. Daniels the sum of One hundred and twenty dollars, with legal interest on \$90⁰⁰ thereof from January 1st 1893, till paid, and with legal interest on \$100⁰⁰ thereof from January 1st 1894, till paid, and the costs of this suit. And it appearing to the Court that there is no estate in the hands of the Adm'r with which to pay said sum of money, and it further appearing that the same is a lien on the land in the bill mentioned it is adjudged, ordered and decreed that the land in the bill

mentioned be sold to ratify
the same, and unless the
said sum of money is paid
within 30 days from the close
of this Court it is ordered
and decreed that James W.
Orr who is hereby appointed
a Commissioner for the purpose
do sell a sufficiency of said
land to ratify this decree on
a credit of one and two
years time, except the costs
which he will require to be
paid in cash. He will
make sale to the highest and
best bidder at the front
door of the Court-house
of Lin County on the first
day of some Court - but
he will first give written
notice of the time, place, and
terms of sale by posting
written notice at the front
door of said Court-house
& give the vicinity of the
land, and he will require
bond and good security

from the per diem for the
defend payments and the
cause is continued.

Enca Daniels

28 J. Deemfort ~~at~~
(No 17)

C. E. Flannery Adura
et al

Entered in Reg. Co. Book 4 P. 6

Entered this decem

W. J. 288

Jan 8 1877

Eura Daniels

against

Plff.

In Chancery.

G. S. Flanery Admr et als Defts

The undersigned Commissioner in this cause respectfully reports, that pursuant to the decree entered therein at the term 1894, he proceeded on the 15th day of April 1895; being the first day of ^{the civil term of} the County Court for Lee County, at the front door of the Court house of said county, to sell to the highest bidder the land in the bill and proceedings in the cause mentioned, after having advertised said sale as in said decree directed, and S. S. Glump being the highest and best bidder, the same was knocked off to him at the price of \$80.00 said purchaser paid down to your Court. the costs and expense of sale amounting to \$36.80 and for the residue of \$43.20 he executed to your Court his two notes for \$21.60 each and due in one, two years, respectively, from date, and bearing interest from date. with W. S. Calderon security. This sale is not sufficient to pay the amount decreed to the plaintiff.

Respectfully submitted.

James W Orr, Comr.

Euna Daniels

Report of Sale.

D. E. Munsy Adm. th

Filed May 22nd 1895.

A B Munsy th
Clerk

Leuro Daniels

vs. Leuro Orr's Report.

O. E. Flauger & Co. et al.

Filed Feb. 12th 1897.

A. B. Munsey Clerk

Virginia: - In the circuit Court of Lee County.
Eura L. Daniels

v } In Chy - Comm's Report.
C. E. Flanery, Adm'r &c, et al.

Your undersigned Special Commissioner begs leave to Report that he has performed the duty required of him by your Honor's Decree in this cause bearing date March 12th 1897, by executing a deed to T. H. Sluyp for the land in the cause named.

Respectfully Submitted,

JAMES W. ORR, Special Comm'r.

E. L. Daniels

vs Leonis Report-

C. E. Flanery Admitted
Filed in open Court and
by leave thereof March
the 1st 1897.
A. B. Munsey Clerk

Cash for \$2.50

"A"

\$9000

On or by the first day
of January next I bind my self
to Pay L J Slomp the East and
full sum of ^{\$90 00} ~~one hundred~~ for value
Received of him As witness my hand
and seal I also wave my home
and Exemption as to this Debt

This 15th day March 1892
witness John Riddle A P Daniels Sealey

Am. S. 1900

particular the skin book
in the late to the
and. Decided without
the. the. 1892
S. H. S. 1900

Witness Martha S. S. 1900.

100 00 on or by the first day of
January 1894 I bind my self ares &c
to pay I J Stamp the just and
full sum of one hundred Dollars
for value received of him as witness
my hand seal & all so were my honor
Free Exemptions as to this note
This the 15th day of March 1892
witness John Piddle of J Daniels Seal

"B"

I assign the ... in ...
near the Lake ...
...
... 14, 15, 16

L. P. Simpson

W. H. H. Simpson

Lulishie Simpson received from
Charles G. Simpson ...
... the ...

I hereby assign two notes to Mrs. Anna
L. Smith, which are being assigned to her
by - I hereby acknowledge the receipt of
the same by J. P. Smith on the 18th day
of March 1872. One for \$20.00
payable to 1873 and the other for \$20.00
payable to 1874. But the assignor
is not a resident of the State of
Massachusetts. His Res. 5th 1874

Attest X
Mark

Witness:
Sept 17 1874

Eura Daniels

VS } Assignment of
Notes (Vendor's Lien)

Hughes C. Daniels et al

Notes enclosed.

"C"

Wm A. Orr atty.
Hickman to Assignment

This deed made this the 15th—
day of March A.D. 1892 By and
Between G. J. Slump of the County of
Lee and State of this Part, of the
first Part and — W. P. Daniels of the
County and State aforesaid, ^{parties of the second} Witnesseth
that the said G. J. Slump has this day sold
to the said W. P. Daniels his indiv. interest
in the Estate of H. M. Slump Decedent
for the sum of \$300 three hundred
Dollars Ten Dollars in hand Paid and one
Note to be Paid the 1st day of January ^{of the sum of \$90.00} 1893
and one other Note to be Paid January 1st
1894 of one hundred Baring interest from
Note and one other Note of one hundred
Dollars Due Jan 1st 1895 Baring interest
from date of this deed this Being the amount
in full of said Purchase of said Land
and the Party of the first Part Retains and Vouches
Lean on said Land till the Purchase money
is Paid the said Land is Bounded and
Described as follows to wit Lying and
Being in the County of Lee and State
of Virginia and situated on Daniels River
and adjoining the Land of John Slump
Emie Daniels & John C. Olinger containing
30 Acres. Be the same more or Less and the
Party of the first Part Covenants with

First change written
L. I. Slompa (al)

to wet

John Riddle J.S.

Y^{rs} Henry
To David

(Product x. 100)

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Know all Men by these Presents, That we James M. Orr and
E. E. Flanary

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Four
Hundred dollars, to payment whereof, well and truly to be made to
 the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,
 executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the
 benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to
 discharge any liability arising under this bond, or by virtue of said office or trust, in any cur-
 rency, funds, counter claims or offsets other than legal-tender currency of the United States.
 Sealed with our seals, and dated this 4th day of September
 one thousand eight hundred and Ninety four

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound James
M. Orr
 shall faithfully perform the duties of his office or trust, as Commissioner

under a decree of the Circuit Court of the County of Lee, pronounced on the 8th day
 of June, 1894, in the suit therein depending under the name and style
 of Eura Daniels against E. E. Flanary Adm'r
et als

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
 presence of

James M. Orr [SEAL.]

E. E. Flanary [SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day E. E. Flanary
 surety on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court
 of the County of Lee, that his estate after the payment of all his just
 debts, and those for which he bound as security for others, and expect to
 have to pay is worth the sum of Eight Hundred
dollars.

Given under my hand this 5th day of September 1894.

Teste:

A. B. Munsey Clerk

A Copy Teste

A. B. Munsey Clerk

Eura Daniels
vs
L. E. Flannery Admr

to { COMMISSIONER
BOND.

Commonwealth.

Know all Men by these Presents, That we James W Orr and
S. V. F. Richmond

are held and firmly bound unto the Commonwealth of Virginia, in the sum of Two
Hundred dollars, to payment whereof, well and truly to be made to
 the said Commonwealth of Virginia, we bind ourselves and each of us, our and each of our heirs,
 executors, and administrators, jointly and severally, firmly by these presents, hereby waiving the
 benefit of our homestead exemptions as to this obligation, and any claim, right, or privilege to
 discharge any liability arising under this bond, or by virtue of said office or trust, in any cur-
 rency, funds, counter claims or offsets other than legal-tender currency of the United States.

Sealed with our seals, and dated this _____ day of _____
 one thousand eight hundred and ninety five

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That if the above bound James
W Orr

shall faithfully perform the duties of his office or trust, as Commissioner

under a decree of the Circuit Court of the County of Lee, pronounced on the 8th day
 of June, 1894, in the suit therein depending under the name and style
 of Eura Daniels against L. E. Flanary Admr
et als

then this obligation to be void, otherwise to remain in full force and virtue.

Signed, sealed and acknowledged in the
 presence of

A copy made

Attest

James W Orr [SEAL.]

S. V. F. Richmond [SEAL.]

[SEAL.]

In the Clerk's Office of the Circuit Court of the County of Lee.

This day _____
 suret on the above bond, made oath before me A. B. MUNSEY, Clerk of the Circuit Court
 of the County of Lee, that _____ estate after the payment of all _____ just
 debts, and those for which _____ bound as securit for others, and expect to
 have to pay _____ worth the sum of _____
 _____ dollars.

Given under my hand this _____ day of _____ 189 .

Teste: _____ Clerk

Eura Daniels
vs
L E Flannery & Co
Attys

to { COMMISSIONER
BOND.

Commonwealth.

Gun Machine Co

as

J. L. Remington et al
J. L. Remington, Corpn.

4/1/95

\$ 80⁰⁰ - sale from
5 - 6888 slump

4.00 corn
32.80 cash

36.80 cash

80.00

2/43.20

// 21.60 - 2 notes

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

*C. E. Flanary Sheriff & Adminr
of the estate of N. P. Daniels deceased, Hephzibah
C. Daniel, and James N. P. Daniels infants*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said
Court on the *1st* Monday in *May*, 189*4*, to answer a bill in Chancery,
exhibited against *them* in our said court by *Eura Daniels*

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house,

the *7th* day of *May*, 189*4*, and in the 11 *8th* year of
the Commonwealth.

A. B. Munsey Clerk.

Eura Daniels

US. { SUBPÆNA
IN CHANCERY.

C. E. Flannery adm

W. A. Orr p. q.

To 1st May Rules,
Circuit Court.

I accept legal
service of the
within name
This May the 7. 1884
C. E. Flannery adm